



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,347	11/19/2001	Yuichiro Ogawa	109808	8515

25944 7590 09/12/2005
OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
----------	--------------

1733

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,347

Applicant(s)

OGAWA ET AL.

Examiner

Geoffrey L. Knable

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 12 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 4-28-05.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1733

1. Claim 12 remains withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the replies filed on 4-5-2004 and 12-1-2004.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 defines that a single or combination of tire constitutive members are formed by winding that commences at a radially outermost part of the member(s) and moves radially inwardly. Further, dependent claim 4 indicates that the member or members defined in claim 1 can be the sidewall, bead filler, chafer, etc. Upon further review, however, it is not considered that the invention as now claimed is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, i.e. it is considered to be new matter. First, there does not appear to be any literal support in the specification for what is claimed in this regard. Support thereof, therefore is apparently to be found in the drawings. However, while looking at fig. 1 for example would seem to indicate that the winding of the *sidewall* is from the radially

Art Unit: 1733

outer side and proceeds inwardly, in fig. 1a, the *chafer* "16" is illustrated as what would be understood as a winding from the radially inner side in an outward direction. Fig. 2 shows a similar configuration of the windings. Similarly, the *filler* windings in figs. 3a and 3b are illustrated in a manner that would have been likewise understood as being from a start point at the radially inside and then outward. There is therefore not considered to be descriptive support in the original disclosure for winding with a start end of the winding at a radially outer part for broadly "at least one tire constitutive member or a combination of tire constitutive members" as claimed. Support for such a winding direction in fact seems to be limited to the *sidewall* (in light of the figures). As such, this is considered to be new matter.

4. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over [DE 19831747 to Continental or its apparent equivalent Blickwedel (US 6,923,879 - newly cited)] alone or (under 35 USC 103(a) only) either of these references taken further in view of Tokunaga et al. (US 5,380,384).

These references are applied herein for substantially the same reasons as set forth in the last office action. Note esp. col. 7, lines 23+ of Blickwedel for the portion of the reference that corresponds to the previously translated portion.

5. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Ikeda et al. (US 2002/0074077 - newly cited).

Ikeda et al. clearly discloses winding sidewall on a carcass that has been shaped from cylindrical form (note esp. figs. 3e-3g). Further, the winding as depicted in fig. 3g

Art Unit: 1733

would have been understood as being from the radially outermost part (i.e. the top "Tp1") and then inward (in much the same manner that applicants figures support such a winding configuration). This reference therefore is considered to clearly anticipate claims 1 and 4. As to claim 3, note paragraphs [0077]++.

6. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

7. Applicant's arguments filed June 13, 2005 have been fully considered but they are not persuasive.

The rejection over Landsness has however been withdrawn as being less relevant than the other applied prior art. As to DE '747, it is argued that the referenced paragraph is not using the term "usually" in the manner urged by the examiner but rather is using this to define that the defined winding direction is required to maintain uniformity. This argument has been carefully considered but is unpersuasive. First, reference is made to the corresponding portion of the newly cited equivalent Blickwedel (col. 7, lines 23+) which it is submitted seems to bolster the position that the "usually" is merely in reference to the start point of the winding and is not related to the uniformity. Rather, it would seem that the discussion of uniformity is solely in relation to the ability of the application head to pivot (in addition to its radial motion).


This office action will however not be made final in light of the new grounds of rejection that were not necessitated by amendment.

Art Unit: 1733

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
September 3, 2005